

Message Text

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ACTION IO-11

INFO OCT-01 ARA-06 ISO-00 DHA-02 ORM-02 AF-06 EA-07 EUR-12

NEA-10 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00

INRE-00 PM-04 H-02 INR-07 L-03 NSC-05 PA-01 PRS-01

SP-02 SS-15 IOE-00 /097 W

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FM AMEMBASSY SANTIAGO

TO USMISSION GENEVA IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 7244

USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: SHUM, UN, CI

SUBJECT: UN HUMAN RIGHTS COMMISSION MEETING: ITEM ON CHILE

1. BY TELCON FROM DEPARTMENT (ARA/BC), WE HAVE BEEN ASKED TO REPORT ON STATUS OF NEW GOC DECREE WHICH PURPORTEDLY PROVIDES PROCEDURAL PROTECTION FOR CHILEAN DETAINEES, AND ALSO TO SUGGEST POINTS WHICH MIGHT BE MADE IN US REP GARMENT'S STATEMENT TO COMMISSION EXPLAINING US VOTE.

2. THE NEW DECREE, SUPREME DECREE 187 ENTERED INTO FORCE ON JANUARY 28 WHEN SIGNED BY PRESIDENT PINOCHET AND MINISTERS OF INTERIOR, JUSTICE AND HEALTH. IN PRACTICE, HOWEVER, GOC HAS YET TO ANNOUNCE IMPLEMENTING REGULATIONS FOR DECREE. WE HAVE HAD NO INDICATION THAT IMPLEMENTATION HAS ACTUALLY STARTED.

3. PRESS REPORTED FEBRUARY 13 THAT PROVISIONS OF ARTICLE 6 OF DECREE, CALLING UPON PRESIDENT TO ISSUE SUPPLEMENTAL DECREE SPECIFYING PLACES OF DETENTION, WOULD BE FULFILLED WITHIN WEEK TO TEN DAYS, I.E., SOME TIME LATE

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THIS WEEK. ACCORDING TO SAME ARTICLE, MINISTER OF JUSTICE

WAS STUDYING REGULATIONS TO ESTABLISH ROSTER OF DOCTORS FROM LEGAL MEDICAL SERVICE AND NATIONAL HEALTH SERVICE AS ORDERED BY ARTICLE 1 OF DECREE. FINALLY, MINISTER OF JUSTICE AND PRESIDENT OF SUPREME COURT WERE REPORTEDLY WORKING UP LISTS OF THOSE RESPONSIBLE FOR OVERSEEING IMPLEMENTATION OUTSIDE METROPOLITAN SANTIAGO IN ACCORDANCE WITH ARTICLE 8.

4. FOREGOING INDICATES THAT GOC NOT YET ORGANIZED TO MONITOR GUARANTEES FOR DETAINEES AS PROVIDED IN DECREE. IT IS STILL TOO SOON TO SAY WHETHER CHILEAN SECURITY FORCES HAVE SIGNIFICANTLY CHANGED, OR WILL CHANGE, THEIR METHODS OF OPERATION TO CONFORM TO TERMS OF THE NEW DECREE.

5. POINTS FOR STATEMENT. WE PRESENT THE FOLLOWING THOUGHTS, WHICH WE CONSIDER APPROPRIATE FOR INCLUSION IN GARMENT STATEMENT.

A. US VOTED FOR THIS RESOLUTION BECAUSE IT CONTINUES TO BELIEVE THAT IT IS APPROPRIATE FOR UN AGENCIES TO URGE GOVERNMENTS WHICH ARE CONSIDERED SERIOUSLY TO HAVE VIOLATED INTERNATIONAL HUMAN RIGHTS STANDARDS TO BRING THEIR PRACTICES INTO LINE WITH LEVELS PRESCRIBED BY RELEVANT INTERNATIONAL AGREEMENTS. US IS CONSCIOUS THAT CHILE IS NOT THE ONLY OFFENDER IN THIS REGARD. WE CONSIDER OUR VOTE HERE, AS IN OTHER UN BODIES, A STEP TOWARD MORE GENERAL AND MORE EFFECTIVE APPLICATION OF INTERNATIONAL STANDARDS TO HUMAN RIGHTS PROBLEMS.

B. WE REMAIN DISAPPOINTED AT GOC'S FAILURE TO ADMIT UNHRC WORKING GROUP TO ITS TERRITORY, OR TO TAKE ANY SIGNIFICANT STEP WHICH WOULD DEMONSTRATE A COMPARABLE DEGREE OF OPENNESS TO UNPREJUDICED INTERNATIONAL INVESTIGATION OF HUMAN RIGHTS CHARGES AGAINST CHILE. (WE RECOGNIZE THAT ICRC CONTINUES TO ASSIST IN INDIVIDUAL CASES IN CHILE.)

C. WE RECOGNIZE THAT NEW DECREE PROVIDING CERTAIN PROTECTIVE MEASURES FOR CHILEAN DETAINEES REPRESENTS A RESPONSE TO INTERNATIONAL CONCERN -- AS FAR AS IT GOES. WE WILL AWAIT WITH INTEREST REPORTS INDICATING EXTENT TO LIMITED OFFICIAL USE

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WHICH DECREE IS BEING FATHFULLY IMPLEMENTED. WE WOULD LIKE TO SEE CHILE DEMONSTRATE TO OUTSIDE WORLD THAT TORTURE AND OTHER FORMS OF MISTREATMENT CAN NO LONGER BE SAID TO BE AN "INSTITUTIONALIZED PRACTICE" AS SET FORTH IN THE RESOLUTION. WE VIEW THIS MATTER IN THE CONTEXT OF IMPLEMENTATION OF THE LAST UN GENERAL ASSEMBLY'S DECLARATION ON TORTURE.

D. WE HOPE THAT IN CONFORMITY WITH TERMS OF
RESOLUTION GOC WILL FIND IT POSSIBLE TO TAKE ADDITIONAL STEPS
LOOKING TOWARD RESTORATION OF NORMAL CHILEAN HUMAN RIGHTS
PRACTICES. SPECIFICALLY, WE WOULD ATTACH SIGNIFICANCE TO
EARLIEST POSSIBLE TERMINATION OR MODIFICATION OF
STATE OF SIEGE; TO GUARANTEED RECOURSE TO CIVILIAN
TRIBUNALS, FOR REVIEW IF NOT TRIAL OF CASES, FOR EVERY
PRISONER HELD IN CHILE; AND TO RE-ESTABLISHMENT OF FULL
INTELLECTUAL, PRESS AND TRADE UNION FREEDOM IN CHILE.
POPPER

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